IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

–

WRIT PETITION NO : 28774 of 1997

Between:

1. The Harijan Labour Contract Cooperative Society Ltd.

(Reg.No.865 TT), rep.by its President, K.Saraiah,

Kothawada, Warangal, Warangal District.

2. The Tribal Labour Contract Cooperative Society,

Rep.by its President Smt B.Akkamma,

Regulapadu, Kunavaram Mandal Bhadrachalam

Taluk, Khammam District.

3. The Geetha Tribal Labour contract Cooperative

Society Ltd. Alubaka, Venkatapuram Mandal, Khammam

District, Rep.by its President, Karnam Muthaiah

.... PETITIONERS

AND

1. The superintending Engineer,

Pancayat Raj, Khammam.

2. The Superintending engineer,

Roads and Buildings Warangal.

3. The Superintending Engineer,

Roads and Buildings (Midigation),Warangal

(dismissed for default as per court orders dt 31.8.2000 as

against the R2 and 3)

4. The Superintending Engineer, Vamsadhara Project Circle,

Srikakulam.

5. The Superintending Engineer, Irrigation Circle, Warangal.

6. The Superintending Engineer, Roads and Buildings,

Eluru, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in insisting the petitioner societies for payment of Earnest Money deposits, Commercial tax clearance Certificates, Experience Certificates in connection with all tender notices scheduled to be issued on or after 1.11.1997 as illegal, arbitrary and unreasonable and consequentially to direct the respondents not to insist payment of earnest money deposits, commercial tax clearance certificates and also experience Certificates from the petitioners at the time of allotment of works or issuance of schedules in connection with all Tender notices schedules to be issued on 1.10.1997 or on any other subsequent date and to issue schedules to the petitioners in all such tender notices irrespective of the Districts in which they registered.

Counsel for the Petitioners: MR Ch.Satish Kumar(not present}

Counsel for the Respondent: G.P for Panchayat Raj(Not present)

The Court made the following:

ORDER:

By this Writ Petition the petitioners, in effect, seek a direction to the respondents not to insist them for payment of earnest money deposit and production of Commercial Tax Clearance Certificate and also experience certificate at the time of allotment of works or issuance of tender schedules in connection with all tender notices scheduled to be issued on or after 01.11.1997 disregarding any condition of experience and irrespective of District in which they are registered.

None appears for the petitioners as well as the respondents.

While admitting the Writ Petition on 01.11.1997, this Court passed interim order in W.P.M.P.No.33555 of 1997 directing the respondents not to insist the petitioners for payment of earnest money deposit and production of Commercial Tax Clearance Certificate and also experience certificate at the time of allotment of works or issuance of tender schedules.

The main relief and the interim relief sought for by the petitioners are one and the same. It is not known whether by virtue of the interim order, the case of the petitioners has been considered. Be that as it may, by virtue of interim order, which is akin to the main relief, no orders are required to be passed in this writ petition.

Accordingly, the Writ Petition is dismissed as having become infructious. No costs.

30-03-2005

kvrm

To

1. The Superintending Engineer,

Pancayat Raj, Khammam.

2. The Superintending engineer,

Roads and Buildings Warangal.

3. The Superintending Engineer,

Roads and Buildings (Midigation),Warangal

4. The Superintending Engineer, Vamsadhara Project Circle,

Srikakulam.

5. The Superintending Engineer, Irrigation Circle, Warangal.

6. The Superintending Engineer, Roads and Buildings,

Eluru, West Godavari District.

7. 2 CCs to G.P. for Panchayat Raj, High Court Buildings,

Hyderabad (OUT)

8. 2 CD copies.